

## **REMARKS**

Favorable reconsideration of this application is requested in view of the following remarks. Claims 1-24 remain actively pending in the case. No new matter has been added. Reconsideration of the claim is respectfully requested.

On page 2 of the Office Action, claims 1-8, 12-20 and 24 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,321,231 to Jebens et al., U.S. Patent 5,737,491 issued to Allen et al., and further in view of U.S. Patent No. 6,381,636 to Cromer et al. In paragraph 4 on page 6 of the Office Action, dependent claims 9-11 and 21-23 were rejected under 35 USC § 103(a) as being unpatentable over Jebens et al., Allen et al., Cromer et al. and further in view of U.S. Patent 6,035,323 issued to Narayen et al. Applicants respectfully traverse the rejections.

Jebens fails to teach or suggest automatically initiating the obtaining of instructions stored on the user computer over a communications network by a service provider as recited in Applicants' independent claims. As omitted by the Office Action, Jebens does not disclose an automatic service over a communication network nor that instructions associated with a digital media file are stored on the user computer. Jebens discloses that files received from users 12, 14, 16 at a host site 10 are stored on a file storage server at the host site 10. An autolog server at the host site 10 polls the files stored on the file storage to determine if new or updated files were received. Column 8, line 53 - Column 9, line 45. The autolog server may examine the newly received files to determine whether the newly received files are image files. Column 9, lines 46-60. Accordingly, Jebens does not teach or suggest automatically obtaining instructions from the user computers 12, 14, 16 initiated by the autolog server at the host site 10. Rather, the autolog server in Jebens waits for a user to send files.

Allen fails to remedy the deficiencies of Jebens as Allen fails to teach or suggest automatically initiating the obtaining of instructions stored on the user computer over a communications network by a service provider. As omitted by the Office Action, Allen does not disclose an automatic service over a communication network to a user based on stored instruction by a user on a user computer. Allen merely discloses a camera having memory for storing digital images, the memory having information to control a remote server. Column 1,

lines 1-41. More specifically, a photographer verbally instructs the camera to perform a command such as to transfer images to a fulfillment server. Column 1 line 66 - Column 2, line 7; Column 3, line 49 - Column 4, line 14. Hence, Allen teaches that the camera (user) initiates the communication.

Cromer also fails to remedy the deficiencies of Jebens and Allen, as Cromer fails to teach or suggest automatically initiating the obtaining of instructions stored on the user computer over a communications network by a service provider. Cromer teaches that a server is permitted to remotely access asset information (i.e., information identifying components of the client computer system) from a powered-off client computer via a network adapter included in the client computer. Column 1, lines 9-17; Column 2, lines 15-30. However, Cromer does not disclose automatically initiating the obtaining of instructions stored on the user computer.

Narayan also fails to remedy the deficiencies of Jebens, Allen and Cromer as Narayan fails to teach or suggest automatically initiating the obtaining of instructions stored on the user computer over a communications network by a service provider. Rather, Narayan allows a user on a client computer system 121 to create a media container that contains digital media and transmits this media container onto the Internet via a server computer 111 for other client computer systems (e.g., 125) to view. That is, after receiving digital media from a client 121, the server computer system 111 generates the viewable pages, such as viewable HTML pages, that are made available to a web server 109 for other client computer systems 125 to view. Column 7, line 14 - Column 8, line 59; Column 16, lines 11-39.

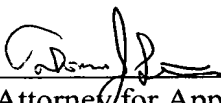
Furthermore, because Jebens, Allen, Cromer and Narayan fail to initiate the obtaining of instructions stored on the user computer over a communications network by the service provider, the cited references cannot possibly implement the instructions associated with the digital image file by the service provider.

Therefore, in view of the above remarks, Applicant's invention is patentable over the cited references. Because claims 2-11 and 14-23 depend from claims 1 and 13 respectively, and include the features recited in the independent claims, Applicant respectfully submits that claims 2-11 and 14-23 are also patentably distinct over the cited references. Nevertheless, Applicant is not

conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.